

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Richard W. DeOtte, et al.,
Plaintiffs,

v.

Alex M. Azar II, et al.,
Defendants.

Case No. 4:18-cv-825-O

**RESPONSE TO MOTIONS FOR LEAVE TO FILE BRIEFS AS AMICUS
CURIAE**

Numerous entities have moved for leave to file amicus briefs in the last few weeks. The plaintiffs oppose these motions because the text of the Religious Freedom Restoration Act allows *only* the federal government—and not an amicus or intervenor—to submit arguments and evidence on whether the Contraceptive Mandate furthers a “compelling state interest,” and whether the Mandate represents the “least restrictive means” of furthering such an interest. *See* 42 U.S.C. § 2000bb-1(b). We explained this in detail in our response to Nevada’s motion to intervene, and we incorporate that discussion by reference. *See* Br. in Opp. to Nevada’s Mot. to Intervene (ECF No. 77) at 20–22.

CONCLUSION

The motions for leave to file a brief as amicus curiae (or amici curiae) should be denied. If one or more of the motions are granted, then the Court’s order should make clear that any arguments pertaining to whether the Contraceptive Mandate furthers a “compelling governmental interest”—or whether it represents the “least restrictive means” of furthering such

an interest—will not be considered and have no relevance to whether the *government* has carried its burden under 42 U.S.C. § 2000bb-1(b).

Respectfully submitted.

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CERTIFICATE OF SERVICE

I certify that on June 14, 2019, I served this document through CM/ECF upon all counsel of record in this case, including:

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